

**CITY OF MIDLAND, TEXAS**  
**BRIEFING SESSION AGENDA**  
**Tuesday, October 11, 2011 8:30 a.m.**  
City Hall Conference Room  
300 North Loraine  
Midland, Texas

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These items, as well as any other items on the regular posted agenda for the City Council Meeting on this date, may be discussed:

1. Receive an update from Pat Ennis with Priority Power regarding power contract options. (General Services)
2. Receive a presentation from Building Official Steve Thorpe regarding the new Neighborhood Enhancement Program. Neighborhood Enhancement Program is anticipated to assist citizens that own and occupy a home in eligible areas create and maintain an attractive exterior appearance. (Code Administration)
3. Receive information and discuss the greenbelt boundary. (Planning)
4. Receive information and discuss establishing an Ordinance prohibiting texting while driving. (Dufford)

AGENDA FOR CITY COUNCIL MEETING  
Tuesday, October 11, 2011 – 10:00 a.m.  
Council Chamber – City Hall

The Midland City Council agenda is posted for public notice at least 72 hours prior to the Tuesday meetings. All requests to be placed on the Council agenda by the public must be submitted to the City Manager, in writing, at least one week before the Council meetings. Such written requests must be in sufficient detail to identify the subject matter as well as the contact person who will represent the matter before the Council. The City Council reserves the right to not consider matters over which the City has no jurisdiction.

**OPENING ITEMS**

1. Invocation – Reverend Mike Hanks, Midland First Assembly of God

**INVOKED**

2. Pledge of Allegiance

**PLEDGED**

**PRESENTATIONS**

3. Presentation of special events, organizations, individuals, or periods of time.

**PUBLIC COMMENT**

4. Receive public comments where individuals may address the City Council on City related issues and projects. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting.

**CONSENT AGENDA**

5. Consider a motion approving minutes of the September 27, 2011, Regular City Council Meeting.

**APPROVED**

6. Consider a resolution approving a contract for Lamesa Road Water Improvements for the Development Services Department. (General Services)

RESOLUTION NO. 2011-231  
RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH TEC  
EXCAVATION, INCORPORATED, OF MIDLAND, TEXAS, FOR CONSTRUCTION OF

THE LAMESA ROAD WATER IMPROVEMENTS PROJECT AT A COST OF \$1,697,400.00; AND APPROPRIATING FUNDS

**APPROVED**

7. Consider a resolution approving the purchase of a Fire Truck through HGAC from Siddons Fire Apparatus for the Garage Division. (General Services)

RESOLUTION NO. 2011-232

RESOLUTION APPROVING THE PURCHASE OF A FIRE TRUCK THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (HGAC) AT A TOTAL COST OF \$540,680.00; AND THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COUNCIL OF GOVERNMENTS

**APPROVED**

8. Consider a resolution approving the purchase of two refuse bodies through HGAC from Pak Mor, Ltd. for the Garage Division. (General Services)

RESOLUTION NO. 2011-233

RESOLUTION APPROVING THE PURCHASE OF TWO (2) REFUSE BODIES THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (HGAC) AT A TOTAL COST OF \$176,740.00; AND THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COUNCIL OF GOVERNMENTS

**APPROVED**

9. Consider a resolution rescinding the approval authorizing the execution of a contract with Thyssen Krupp Elevator Corporation, of Midland, Texas, for the purchase and installation of wheelchair lifts in the dugouts at Citibank Ball Park and approving a new contract with Thyssen Krupp Elevator Corporation, of Midland, Texas, for the purchase and installation of wheelchair lifts in the dugouts at Citibank Ball Park at a cost of \$64,000.00. (Community Services)

RESOLUTION NO. 2011-234

RESOLUTION RESCINDING RESOLUTION NO. 2011-169 WHICH AUTHORIZED THE EXECUTION OF A CONTRACT WITH THYSSEN KRUPP ELEVATOR CORPORATION, OF MIDLAND, TEXAS, FOR THE PURCHASE AND INSTALLATION OF WHEELCHAIR LIFTS IN THE DUGOUTS AT CITIBANK BALL PARK AT A COST OF \$64,000.00; AUTHORIZING THE EXECUTION OF A NEW CONTRACT WITH THYSSEN KRUPP ELEVATOR CORPORATION; THYSSEN KRUPP ELEVATOR CORPORATION WAS THE ONLY BIDDER

**APPROVED**

10. Consider a motion on a request by West Company of Midland for Greenwood Industrial Park (Section 2) to approve items requested for deferral, and to waive the associated public improvement guarantee. This subdivision is generally

located on the south side of I-20 approximately 950' east of North County Road 1120. (East of Midland in the ETJ.) The total value of the deferrals is \$533,779.00. (Engineering)

**APPROVED**

11. Consider a resolution authorizing staff to advertise for bids for the Sparks Park Target Area Utility Improvements. Sparks Park is generally located between Jackson Street and Tilden Street south of Golf Course Road. (Engineering)

RESOLUTION NO. 2011-235

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE SPARKS PARK TARGET AREA; SAID PROJECT WILL BE FOR THE CONSTRUCTION OF UTILITY IMPROVEMENTS TO SERVE THE SPARKS PARK TARGET AREA; SPARKS PARK IS GENERALLY LOCATED BETWEEN JACKSON STREET AND TILDEN STREET SOUTH OF GOLF COURSE ROAD

**APPROVED**

12. Consider a resolution accepting funds from Texas "J" Regional Advisory Council in the amount of \$9,936. (Fire)

RESOLUTION NO. 2011-236

RESOLUTION ACCEPTING A GRANT AWARD FROM THE TEXAS "J" REGIONAL ADVISORY COUNCIL IN THE AMOUNT OF \$9,936.00, FOR FUNDS TO BE USED BY THE MIDLAND FIRE DEPARTMENT FOR TRAINING EQUIPMENT AND SUPPLIES

**APPROVED**

13. Consider a resolution accepting the Fiscal Year 2012 Victim Coordinator and Liaison Grant award and direct deposit of grant proceeds into General Fund. (Police)

RESOLUTION NO. 2011-237

RESOLUTION ACCEPTING THE FISCAL YEAR 2012 VICTIM COORDINATOR AND LIAISON GRANT FROM THE TEXAS ATTORNEY GENERAL; THIS GRANT IS TO BE USED BY THE MIDLAND POLICE DEPARTMENT TO MAINTAIN A VICTIM ASSISTANCE LIAISON POSITION; AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS; AND DEPOSITING THE FUNDS INTO THE GENERAL FUND

**APPROVED**

14. Consider a resolution accepting and appropriating the Fiscal Year 2011 JAG grant award. (Police)

RESOLUTION NO. 2011-238

RESOLUTION AUTHORIZING THE CITY OF MIDLAND POLICE DEPARTMENT IN CONJUNCTION WITH THE MIDLAND COUNTY SHERIFF'S DEPARTMENT TO ACCEPT THE FISCAL YEAR 2011 JUSTICE ASSISTANCE GRANT FUNDS TOTALING \$36,251.00; THE CITY OF MIDLAND WILL RECEIVE \$21,751.00 (60%) AND MIDLAND COUNTY WILL RECEIVE \$14,500.00 (40%) OF THE GRANT FUNDS; AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS; AND APPROPRIATING FUNDS

**APPROVED**

15. Consider a resolution accepting and appropriating Texas Department of Transportation (TXDOT) grant funding to conduct a Fiscal Year 2012 Comprehensive STEP Enforcement Project. (Police)

RESOLUTION NO. 2011-239

RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF \$26,294.00 FROM THE TEXAS DEPARTMENT OF TRANSPORTATION IN ORDER TO CONDUCT A FISCAL YEAR 2011-2012 COMPREHENSIVE SPECIAL TRAFFIC ENFORCEMENT PROGRAM FOR INTERSECTION TRAFFIC CONTROL ENFORCEMENT AND DRIVING WHILE INTOXICATED ENFORCEMENT; SAID GRANT AWARD REQUIRES A CITY CASH MATCH IN THE AMOUNT OF \$5,135.00; PROVIDING THAT THE GRANT FUNDS SHALL BE USED TO PAY OVERTIME TO POLICE OFFICERS WORKING ON SAID PROGRAM; AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENT; AND APPROPRIATING GRANT FUNDS

**APPROVED**

16. Consider a resolution entering into a contract with Del Carmen Consulting, LLC to provide services in connection with the evaluation of racial profiling data collected by the Midland Police Department. (Police)

RESOLUTION NO. 2011-240

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH DEL CARMEN CONSULTING, LLC, TO PROVIDE SERVICES IN CONNECTION WITH THE EVALUATION OF RACIAL PROFILING DATA COLLECTED BY THE MIDLAND POLICE DEPARTMENT

**APPROVED**

17. Consider a resolution authorizing the execution of a contract with Keep Midland Beautiful, Incorporated, and rescind Resolution No. 2011-221 with Keep Midland Beautiful, Incorporated for litter reduction, education, and beautification programs. (Community Services)

RESOLUTION NO. 2011-241

RESOLUTION RESCINDING RESOLUTION NO. 2011-221 WITH KEEP MIDLAND BEAUTIFUL, INCORPORATED DUE TO A BUDGETED INCREASE IN FUNDING FROM \$50,000.00 TO \$75,000.00 AND APPROVING A NEW RESOLUTION REFLECTING THE NEW AMOUNT OF FUNDING, \$75,000.00; AUTHORIZING THE EXECUTION OF A

NEW CONTRACT WITH KEEP MIDLAND BEAUTIFUL, INCORPORATED, FOR LITTER REDUCTION, EDUCATION, AND BEAUTIFICATION PROGRAMS

**APPROVED**

18. Consider a resolution approving an amended budget for the MDC's 2011-2012 fiscal year. (Legal)

RESOLUTION NO. 2011-242

RESOLUTION APPROVING THE AMENDED FISCAL YEAR 2011-2012 BUDGET OF THE MIDLAND DEVELOPMENT CORPORATION, A TYPE A CORPORATION AS AUTHORIZED BY CHAPTER 504 OF THE TEXAS LOCAL GOVERNMENT CODE

**APPROVED**

19. Consider a resolution approving an agreement between the MDC and UTPB. (Legal)

RESOLUTION NO. 2011-243

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN ("UTPB"), AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE

**APPROVED**

**SECOND READINGS**

20. Consider an ordinance on second reading on a request by Mike Black for a Special Exception to the Zoning Code for an 8-foot tall fence in the front yard setback. (Planning) (First reading held September 27, 2011)

ORDINANCE NO. 8943

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 11, BLOCK 2, SOLOMON ESTATES, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHEAST CORNER OF MOCKINGBIRD LANE AND "A" STREET), BY PERMITTING AN ENCROACHMENT INTO THE REQUIRED FRONT YARD SETBACK FOR CONSTRUCTION OF A FENCE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

**APPROVED**

21. Consider an ordinance on second reading on a request by Midland Wings for an Amended Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption in a nightclub. (Planning) (September 27, 2011)

ORINANCE NO 8944

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 13A, BLOCK 28, WYDEWOOD ESTATES, SECTION 27, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WADLEY AVENUE, EAST OF SUNBURST DRIVE), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A NIGHTCLUB FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

**APPROVED**

22. Consider an ordinance on second reading on a request by Animal Clips and Doggie Gym for a Specific Use Permit without Term for a Kennel. (Planning) (September 27, 2011)

ORDINANCE NO. 8945

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF 3,300 SQUARE FEET OUT OF TRACT 4, WILSHIRE SHOPPING CENTER, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDLAND DRIVE, APPROXIMATELY 1,000 FEET NORTH OF WEST ILLINOIS AVENUE), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR A KENNEL; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

**APPROVED**

23. Consider an ordinance on second reading on a request by Geo Mitchell for a zone change. (Planning) (September 27, 2011)

ORDINANCE NO. 8946

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 2, REPLAT OF BLOCKS 1 AND 2, HOLLANDALE HEIGHTS, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED O-1, OFFICE DISTRICT, TO BE USED AS AN LR-1, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF NORTH LAMESA ROAD AND WEST SIDE OF PARKWAY DRIVE, APPROXIMATELY 530 FEET SOUTH OF EAST WADLEY AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

**APPROVED**

24. Consider an ordinance on second reading regarding nuisance water. (Code Administration) (September 27, 2011)

ORDINANCE NO. 8947

AN ORDINANCE AMENDING TITLE VI, "POLICE REGULATIONS", CHAPTER 1, "GENERAL OFFENSES", SECTION 19, "NUISANCE WATER", OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO PROHIBIT NUISANCE WATER IN THE PUBLIC STREETS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS (\$500.00); AND NEGATING A MENTAL STATE; AND ORDERING PUBLICATION

**APPROVED AS AMENDED**

**PUBLIC HEARINGS**

25. At approximately 10:30 a.m. hold a public hearing and consider an ordinance on a request by Insignia Hospitality Group, Inc. for a zone change from PD, Planned District for a Shopping Center, to an Amended Planned District. (Planning)

ORDINANCE NO. 8948

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 8 AND 9, BLOCK 3, WESTRIDGE PARK ADDITION, SECTION 16, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED NEAR THE NORTHEAST CORNER OF CATALINA DRIVE AND DEAUVILLE BOULEVARD); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

**APPROVED**

26. At approximately 10:33 a.m. hold a public hearing and consider a resolution on a request by Casa Del Sol for a Temporary Land Use Permit for an Outdoor Amusement Function. (Planning)

RESOLUTION NO. 2011-244

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR AN OUTDOOR CONCERT ON THE EAST 90 FEET OF LOTS 5 AND 6, BLOCK 20, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF EAST ILLINOIS AVENUE AND NORTH TERRELL STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

**APPROVED**

**DEVELOPMENT SERVICES**

27. Consider an ordinance providing the maximum time limit for parking upon a portion of "N" Street of two hours and repealing Ordinance No. 6757.

ORDINANCE NO. 8949

AN ORDINANCE PROVIDING THE MAXIMUM TIME LIMIT FOR PARKING ON A PORTION OF "N" STREET FROM THE SOUTH CURB LINE OF TENNESSEE AVENUE, SOUTH TO THE EAST/WEST ALLEY BETWEEN OHIO AVENUE AND ILLINOIS AVENUE TO TWO HOURS; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO ERECT APPROPRIATE SIGNS; DECLARING ANY VEHICLE IN VIOLATION OF THE PROVISIONS OF THIS ORDINANCE A NUISANCE AND PROVIDING FOR THE REMOVAL OF SAME; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

**APPROVED**

28. Consider an ordinance prohibiting parking at anytime on a portion of the west side of Northrup Drive north of Sinclair Avenue except to residents who have obtained a valid parking permit. (Transportation).

ORDINANCE NO. 8950

AN ORDINANCE PROHIBITING PARKING ON THE WEST SIDE OF NORTHRUP DRIVE FROM A POINT 242 FEET SOUTH OF THE CENTERLINE OF GULF AVENUE, INCLUDING 1907 NORTHRUP DRIVE, CONTINUING NORTH TO THE SOUTH CURB LINE OF NEELY AVENUE EXCEPT TO RESIDENTS WHOSE PROPERTY ABUTS SUCH STREET AND HAVE OBTAINED A VALID PARKING PERMIT; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO ERECT APPROPRIATE SIGNS; DECLARING ANY VEHICLE IN VIOLATION OF THE PROVISIONS OF THIS ORDINANCE A NUISANCE AND PROVIDING FOR THE REMOVAL OF SAME; CONTAINING A CUMULATIVE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

**APPROVED AS AMENDED**

**MISCELLANEOUS**

29. Consider a motion making appointments to various Boards and Commissions.

**NO APPOINTMENTS MADE**

30. Recess to the conference room for lunch.

**EXECUTIVE SESSION**

31. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:

Respectfully submitted,

Courtney B. Sharp  
City Manager